

Senate File 2349

H-8304

1 Amend the amendment, H-8303, to Senate File 2349, as passed
2 by the Senate, as follows:

3 1. By striking page 1, line 1, through page 4, line 35, and
4 inserting:

5 <Amend Senate File 2349, as passed by the Senate, as follows:

6 _____. By striking everything after the enacting clause and
7 inserting:

8 <Section 1. Section 507A.4, subsection 9, Code 2018, is
9 amended to read as follows:

10 9. a. Transactions involving a multiple employer welfare
11 arrangement, as defined in section 3 of the federal Employee
12 Retirement Income Security Act of 1974, 29 U.S.C. §1002,
13 paragraph 40, if the multiple employer welfare arrangement
14 meets all of the following conditions:

15 (1) The arrangement is administered by an authorized
16 insurer or an authorized third-party administrator.

17 ~~(2) The arrangement has been in existence and provided~~
18 ~~health insurance in Iowa for at least five years prior to July~~
19 ~~1, 1997.~~

20 ~~(3)~~ (2) The arrangement ~~was~~ is established by a trade,
21 industry, or professional association of employers that
22 has a constitution or bylaws, and ~~has been~~ is organized and
23 maintained in good faith ~~for at least ten continuous years~~
24 ~~prior to July 1, 1997~~ with membership stability as defined by
25 rules adopted by the commissioner.

26 ~~(4)~~ (3) The arrangement registers with and obtains
27 and maintains a certificate of registration issued by the
28 commissioner ~~of insurance.~~

29 ~~(5)~~ (4) The arrangement is subject to the jurisdiction
30 of the commissioner ~~of insurance, including regulatory~~
31 ~~oversight~~ and complies with all rules and solvency standards as
32 established ~~by rules adopted by the commissioner of insurance~~
33 pursuant to [chapter 17A](#).

34 b. A multiple employer welfare arrangement ~~registered with~~
35 ~~the commissioner of insurance~~ that does not meet the solvency

1 ~~standards~~ requirements established by ~~rule adopted by~~ the
2 commissioner ~~of insurance is~~ pursuant to chapter 17A shall be
3 subject to chapter 507C.

4 c. A multiple employer welfare arrangement that meets all
5 of the conditions of paragraph "a" shall not be considered any
6 of the following:

7 (1) An insurance company or association of any kind or
8 character under section 432.1.

9 (2) A member of the Iowa individual health benefit
10 reinsurance association under section 513C.10.

11 (3) A member insurer of the Iowa life and health insurance
12 guaranty association under section 508C.5, subsection 12.

13 d. A multiple employer welfare arrangement registered with
14 the commissioner ~~of insurance~~ shall file with the commissioner
15 ~~of insurance~~ on or before March 1 of each year a copy of the
16 report required to be filed by the multiple employer welfare
17 arrangement with the United States department of labor pursuant
18 to 29 C.F.R. §2520.101-2. A newly formed multiple employer
19 welfare arrangement shall file with the commissioner a copy
20 of the report required to be filed pursuant to 29 C.F.R.
21 §2520.101-2 by a newly formed multiple employer welfare
22 arrangement with the United States department of labor thirty
23 days prior to operating in any state. The copy shall be filed
24 with the commissioner within thirty calendar days of the date
25 that the multiple employer welfare arrangement files the report
26 with the United States department of labor.

27 e. ~~When not otherwise provided, a~~ A foreign or domestic
28 multiple employer welfare arrangement doing business in this
29 state shall pay ~~to the commissioner of insurance the fees~~
30 ~~as required in~~ pursuant to section 511.24 unless otherwise
31 provided by law.

32 Sec. 2. Section 509.1, Code 2018, is amended by adding the
33 following new subsection:

34 NEW SUBSECTION. 8A. A policy of group health insurance
35 coverage issued to an associated health plan pursuant

1 to section 513D.1 that is subject to regulation by the
2 commissioner.

3 Sec. 3. Section 509.1, subsection 9, unnumbered paragraph
4 1, Code 2018, is amended to read as follows:

5 A policy issued to a resident of this state under a group
6 life, accident, or health insurance policy issued to a group
7 other than one described in subsections 1 through & 8A, subject
8 to the following requirements:

9 Sec. 4. NEW SECTION. 513D.1 **Association health plans.**

10 The commissioner shall adopt rules that allow for the
11 creation of association health plans that are consistent with
12 the United States department of labor's regulations in 29
13 C.F.R. pt. 2510. An association health plan created pursuant
14 to this chapter shall comply with chapter 514C and shall not
15 deny, exclude, or limit benefits for a member based on a
16 member's preexisting condition.

17 Sec. 5. NEW SECTION. 513D.2 **Rules and enforcement.**

18 1. The commissioner shall adopt rules, as necessary,
19 pursuant to chapter 17A to administer this chapter.

20 2. The commissioner may take any enforcement action under
21 the commissioner's authority to enforce compliance with this
22 chapter and chapter 514C.>>

OLDSON of Polk